

ABINGTON TOWNSHIP

DECEMBER 2, 2020



LAND USE COMMITTEE MEETING



TOWNSHIP OF ABINGTON

LAND USE COMMITTEE MEETING

A G E N D A **December 2, 2020** **7:00 PM**

Board Room

CALL TO ORDER

ROLL CALL

CONSIDER APPROVAL OF MINUTES

- a. Motion to approve the Land Use Committee minutes of March 4, 2020 and the Special Meeting on June 8, 2020.

PRESENTATION

UNFINISHED BUSINESS

NEW BUSINESS

- a. LU-01-121020 Discuss and consider an Ordinance to create and enact Chapter 130 - "Residential Rental License Permits"

- b. LU-02-121020 Discuss and consider a resolution authorizing the Township Manager to enter into Encroachment agreements.

PUBLIC COMMENT

ADJOURNMENT

BOARD POLICY ON AGENDA ITEMS

For Information Purposes Only

Board President Announcements

This item on the Board of Commissioners Agenda is reserved for the Board President to make announcements that are required under law for public disclosure, such as announcing executive sessions, or for matters of public notice.

Public Comment

Public Comment on Agenda Items is taken at the beginning of regularly scheduled Public Meetings prior to any votes being cast. When recognized by the presiding Officer, the commenter will have three minutes to comment on agenda items at this first public comment period. All other public comment(s) not specific to an agenda item, if any, are to be made near the end of the public meeting prior to adjournment. Public comment on agenda items at regularly scheduled Board of Commissioner Committee meetings will be after a matter has been moved and seconded and upon call of the Chair for public comment.

Presentations

Should the Board of Commissioners have an issue or entity that requires time to present an issue to the Board, that is more than an oral description relating to an agenda item under consideration, The Board may have that matter listed under Presentations. If nothing is listed under presentations, then there is no business to conduct in that manner.

Consent Agenda

Items of business and matters listed under the Consent Agenda are considered to be routine and non-controversial and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by Board of Commissioner Members, that item is to be identified by the Board member and will be identified and removed from the Consent Agenda, and will be considered separately at the appropriate place on the Agenda.

Unfinished Business

Items for consideration as unfinished business are matters that have been considered for action at a public Board Meeting and have not been tabled to a date certain or voted upon.

New Business

Items for consideration as new business are matters that have been considered for action at the Board Committee Meeting. It is Board practice to not introduce new business at Board Committee Meetings.

BOARD POLICY ON PUBLIC PARTICIPATION

For Information Purposes Only

The Township shall conduct business in accordance with the Commonwealth of Pennsylvania Laws governing the conduct of public meetings and only establish guidelines that shall govern public participation at meetings consistent with the law.

Each commenter shall:

- Direct their comments to the Presiding Officer;
- Speak from the podium or into a microphone designated by the presiding officer;
- State their name for the record;
- Either orally or in writing provide their address for the record;
- Have a maximum of three minutes to make their comments. Each commenter when speaking to a specific agenda item, is to keep their comments relative to that identified agenda item;
- Speak one time per agenda item;
- When commenting on non-agenda items, the commenter is to keep their comments related to matters of the Township of Abington, Montgomery County, Pennsylvania.
- State a question to the Presiding Officer after all commenters have spoken, and;
- Be seated after speaking or upon the request of the presiding officer;
- Not engage in debate, dialogue or discussion;
- Not disrupt the public meeting, and;
- Exercise restraint and sound judgement in avoiding the use of profane language, and the maligning of others.

The stated meeting of the Land Use Committee of the Board of Commissioners of the Township of Abington was held on Wednesday, March 4, 2020 at the Township Administration Building, Abington, PA, with Chairman Commissioner Thompson presiding.

CALL TO ORDER: 7:19 p.m.

ROLL CALL: Present: Commissioners THOMPSON, LUKER, BOWMAN, WINEGRAD, VAHEY

Township Manager MANFREDI
Assistant Township Manager WEHMEYER
Township Solicitor CLARKE
Director of Engineering MONTGOMERY

Also Present: Commissioners SPIEGELMAN, HECKER, ROTHMAN, BRODSKY, BOLE, CARSWELL, ZAPPONE, DiPLACIDO, MYERS

APPROVAL OF MINUTES:

Commissioner Thompson made a MOTION, seconded by Commissioner Vahey to approve the minutes of the Land Use Committee Meeting of February 5, 2020.

MOTION was ADOPTED 5-0.

PRESENTATION: None.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

Item LU-01-031220 – Consider 1. Planning Commission conditional approval for the Baederwood Residential Partners, L.P. and 2. Approval of the Emergency Access Easement Agreement:

Commissioner Thompson announced that Item LU-01-031220 has been removed from agenda.

PUBLIC COMMENT – general matters relating to Land Use:

Paul E. Morse, Jr., 755 Glen Road, said he is here tonight to voice his protest and objections to the 244 apartments proposed for the Fairway and those proposed for Greenwood Avenue near the plaza. Both of these developments will negatively affect the health, safety and welfare of Ward 7 and also the entire Abington Township. Both of the apartments will substantially add to the enrollment of the Abington School District and that will negatively impact the community and he hopes that has been taken into consideration.

In addition, the development is expected to generate over 500 vehicle trips in/out on a roadway system that cannot handle it as well as for the Greenwood Avenue section. Current design of Fairway apartments shows that they back up against the hill and there is no fire safety lane. Neighbors of Ward 7 have protested for over 10 years against the development of the Baederwood site and meetings were held resulting in extensive community turnout against it and we would like the Commissioners to reject both as Abington does not need this development.

Lora Lehmann, 1431 Bryant Lane, said she is in complete agreement. Safety is a huge concern and also asked for it to be rejected.

ADJOURNMENT: 7:28 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary

The stated Special meeting of the Land Use Committee of the Board of Commissioners of the Township of Abington was held on Monday, June 8, 2020 as a Zoom webinar and teleconference with Chairman Commissioner Thompson presiding.

CALL TO ORDER: 6:10 p.m.

ROLL CALL: Present: Commissioners THOMPSON, LUKER, WINEGRAD, VAHEY
Excused: BOWMAN

Township Manager MANFREDI
Assistant Township Manager WEHMEYER
Township Solicitor CLARKE
Director of Engineering MONTGOMERY
Legal Counsel GALLAGHER

Also Present: Commissioners HECKER, BRODSKY, BOLE, DiPLACIDO, MYERS, SCHREIBER

Consider and discuss Resolution No. 2020-030 establishing guidelines and policy for outdoor sales of food and merchandise of existing businesses in the Township during the Coronavirus Pandemic:

Commissioner Thompson said this meeting is to consider and discuss Resolution No. 2020-030, a resolution of Abington Township, Montgomery County, establishing guidelines and policy for outdoor sales of food and merchandise of existing businesses in the Township during the Coronavirus pandemic, and he called on Manager Manfredi.

Manager Manfredi said our County Planner, MCPC, forwarded a copy of a resolution from another Montgomery County municipality providing businesses being able to conduct outdoor dining during the pandemic and the Governor's State of Emergency.

Legal Counsel from Township Solicitor's Office tailored the resolution specific to the Governor's criteria in order to allow existing businesses within the Township to have outdoors sales of food and merchandise and the resolution includes a timeline for how long it is valid. Resolution puts infrastructure in place for an expedited review/application process for businesses to begin operating this way and to be in compliance with the Governor's orders.

If the committee adopts the resolution, the agenda of the Board of Commissioners meeting on June 11, 2020 will be amended for a vote by the full Board.

Solicitor Clarke added that due to the time-sensitive nature of this resolution as the “yellow” phase began last Friday, a lot of businesses are ready to begin outdoor dining and outdoor retail sales, and the Board of Commissioners were polled by his office and the majority approved of this moving forward. So although it is on an interim basis, the Township is operating under the resolution at the current time until it is officially ratified at the meeting on Thursday.

Commissioner Thompson asked for any comments from Commissioners.

Commissioner Vahey said he is in favor as it is very important that the Township do all we can to help businesses operate especially during this time and it should be number one priority of this Board. Also, referring to Section 1 b. of the resolution, the provision of the six foot pedestrian access is not clear in that paragraph.

Ms. Gallagher replied that provision is to allow businesses to modify their existing pedestrian circulation plan.

Commissioner Luker echoed sentiments of approval made by Commissioners Vahey and Bole in the email sent to the Board. Are businesses waiting for the Board to ratify this resolution prior to opening?

Solicitor Clarke replied the email sent to the Board is to allow businesses to open, and if there were businesses opening without complying with the resolution, the Code Department can make sure there is compliance, and that information has been posted to the Township’s website.

Commissioner Thompson questioned whether there is a process in place for inspections to occur by the police or Fire Marshal’s Office in maintaining the health, safety and welfare of the general public while businesses are in operation.

Ms. Montgomery replied previously discussed was to have a simple application with an expedited review process, although she has not seen the applicant yet, but it is forthcoming.

Manager Manfredi added the application has been completed and it will be provided to the Board of Commissioners as part of their packet on June 11th.

Commissioner Thompson clarified that the resolution is in effect for 90-days while in the “yellow” and “green” phase of the shutdown. Is that correct?

Solicitor Clarke replied that is correct.

Commissioner Winegrad said he is in favor of providing a lifeline for the businesses to open, but they need to comply with the resolution. Who will do the enforcement should there be some type of violation?

Manager Manfredi replied the police or Code Department.

Commissioner Schreiber said she is also in favor of outdoor dining. The resolution states that it is the merchant or business owner's sole responsibility to insure compliance, so will they need to sign off on that, and if there is an infraction and that is reported to the Township, what is the Township's responsibility?

Solicitor Clarke replied the Township will enforce the zoning and land use aspect; the LCB will control the liquor aspect and the Department of Health will handle any infractions. By passing this resolution, the Township does not have any greater or lesser authority than the moment prior to having the resolution. The Township has no liability, which is clearly spelled out in the application, and by signing it, the applicant is acknowledging that fact.

Commissioner Schreiber asked about guidelines for internal policies of the businesses.

Solicitor Clarke replied the State and County Health Departments would handle that.

Vice President Hecker said he is supportive of this approach; however, he wants to be sure that whatever plans there are for outdoor dining does not negatively impact the issue of accessibility for residents such as those in a wheelchair and that they have unfettered access to restrooms, etc.

Ms. Gallagher replied the resolution requires that each applicant provide a pedestrian access plan including one ADA accessible route as well as allows for six feet pedestrian access and that the handicapped parking spaces remain in place for the use.

Vice President Hecker asked is it required that the applicant publicize their plan or will it be handled on a case-by-case basis?

Ms. Gallagher replied it will be handled on a case-by-case basis; however, the Code Department will review all ADA accessible routes and make sure there is signage.

Commissioner Bole asked for clarification on the expedited process.

Manager Manfredi replied expediting the process includes the Board taking the time to consider passing this resolution. The form is online and can be processed as soon as the applicant provides an accurate plan with the possibility of be a 72-hour turnaround time as long as all criteria of the resolution is met.

Commissioner Thompson clarified that there is no fee for processing the application. Is that correct?

Manager Manfredi replied not if everything is accurate; however, if outside sources are needed, there might be a fee such as for an inspection of something that is unforeseen.

Commissioner Myers asked does this resolution cover setting up tables in a parking space on a public street?

Solicitor Clarke replied that is totally prohibited.

Commissioner Thompson made a MOTION, seconded by Commissioner Vahey to adopt Resolution No. 2020-030 establishing guidelines and policy for outdoor sales of food and merchandise of existing businesses in the Township during the Coronavirus pandemic.

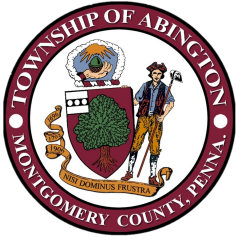
Commissioner Thompson asked for any public comments. There were none.

MOTION was ADOPTED 4-0.

ADJOURNMENT: 6:36 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary



LAND USE COMMITTEE MEETING

AGENDA ITEM

December 2, 2020

LU-01-121020

DATE

AGENDA ITEM NUMBER

Administration

DEPARTMENT

FISCAL IMPACT

Cost > \$10,000

Yes

No

PUBLIC BID REQUIRED

Cost > \$20,100

Yes

No

AGENDA ITEM:

Rental ordinance

EXECUTIVE SUMMARY:

n/a

PREVIOUS BOARD ACTIONS:

n/a

RECOMMENDED BOARD ACTIONS:

Discuss and consider an Ordinance to create and enact Chapter 130 - "Residential Rental License Permits"

**TOWNSHIP OF ABINGTON,
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO.____

**AN ORDINANCE
TO CREATE AND ENACT CHAPTER 130 – “RESIDENTIAL RENTAL LICENSE
PERMITS”**

WHEREAS, the Township of Abington is a Township of the First Class, duly organized and existing pursuant to the applicable laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to section 1502.44 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56544, the Board of Commissioners has the authority to enact and amend provisions of the Abington Township Code (“Code”) at any time it deems necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof; and

WHEREAS, in accordance with the First Class Township Code of Pennsylvania, 53 P.S. §§55101, et. seq., the Township is vested with various corporate powers, including but not limited to the adoption and enactment of such ordinances and regulations necessary for the proper care, management, and control of the Township; and

WHEREAS, the Board of Commissioners of the Township of Abington has determined that the Code of Ordinances of the Township of Abington should be amended to create and enact Chapter 130 – “Residential Rental License Permits” for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof.

NOW, THEREFORE, the Board of Commissioners of the Township of Abington does hereby **ENACT** and **ORDAIN** as follows:

1. The Code of Ordinance of the Township of Abington shall be amended to create and enact Chapter 130 – “Residential Rental License Permits,” which shall read as set forth in Exhibit “A” hereto.
2. All other ordinances, portions of ordinances, or any section of the Code inconsistent with this Ordinance are hereby repealed.
3. This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this _____ day of _____, 2020.

TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS

Attest:

Richard J. Manfredi, Secretary

By: _____
John L. Spiegelman, President

Exhibit "A"

§130-1. Short Title.

This Part shall be known as the "Abington Township Residential Rental License Permit Ordinance."

§130-2. Definitions.

The following definitions shall apply to this Part:

BOARD OF COMMISSIONERS The Board of Commissioners of the Township of Abington.

COMMONWEALTH The Commonwealth of Pennsylvania.

HABITABLE SPACE Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces, and similar areas shall not be considered to be habitable spaces.

LANDLORD A person which leases as lessor to a tenant any rental property, the use or occupancy of which continues for a period in excess of 30 days, and/or a person appointed to act as a resident agent under this Part.

PERSON Any individual, partnership, association, firm, limited liability company or corporation.

RENTAL PROPERTY Any dwelling, including but not limited to a house, townhouse, row house, duplex, twin, apartment, condominium, rooming house or mobile home, and any building containing any such units, from which the owner derives income or any other consideration from persons residing at such dwelling, as evidenced by a written or oral contract, lease, sublease or agreement, but not including any hotel, motel, bed-and-breakfast, or any other business licensed to provide transient lodging to overnight guests.

RESIDENT AGENT A person residing in the Commonwealth and within a twelve-mile radius of the Township appointed by the landlord pursuant to this Part. A resident agent may also be a tenant.

TENANT A person who has the use or occupancy of a rental property for a period exceeding 30 days, regardless of the payment of monetary consideration associated with the use or occupancy of the rental property.

TOWNSHIP The Township of Abington, Montgomery County, Pennsylvania.

§130-3. Establishment of Residential Rental License Permit.

1. All owners of rental properties in the Township of Abington shall make application to the Township Department or division responsible for issuing licenses and permits, on or before April 15 of each calendar year, for the issuance of a residential rental license permit under this Part. A separate application shall be required for each rental property under this Part.

2. At the time of application, the owner shall provide the Township Department or division responsible for issuing licenses and permits a list of tenants proposed to reside in the rental property for the calendar year. The tenant list shall include all of the following: the full legal name of all tenants; the current address of the tenants and/or emergency contact information for each tenant; and a completed Township earned income tax form or an affidavit attesting to the fact that the tenant is not employed.
3. The tenant list shall be updated any time that a change of tenant occurs during the term of the residential rental license permit. Failure to update the tenant list shall constitute a violation of this Part.
4. Every application shall be accompanied by a copy of the lease for the subject rental property or properties, the tenant list required under this Part, a plan depicting the floor plan of the rental property (if required by Township Department or division responsible for issuing licenses and permits), a copy of any residential rental license permit issued for the rental property by the Township, the name and contact information of the designated resident agent required under this Part, and the permit fee required for the residential rental license permit, as fixed by the Board of Commissioners from time to time by resolution.

§130-4. Inspections.

1. Upon every first application for a residential rental license permit under this Part, the Township Department or division responsible for issuing licenses and permits shall perform an inspection of the rental property subject to the application to ensure that the rental property meets all of the requirements of the Code of the Township, including, but not limited to, the International Property Maintenance Code, the Uniform Construction Code, the Township Fire Code, the Zoning Ordinance, the Subdivision and Land Development Ordinance, the terms and conditions of this Part, and any and all other applicable provisions of the Code of the Township of Abington or the laws of the Commonwealth.
2. Any rental property proposed to be issued a residential rental license permit under this Part, in addition to any other relevant requirements, must demonstrate compliance with the following standards:
 - A. Each dwelling unit must have at least one habitable room not less than 120 square feet.
 - B. All spaces, other than kitchens, must contain a minimum of 70 square feet to be considered habitable spaces.
 - C. Bedrooms must contain a minimum of 70 square feet, plus an additional 50 square feet for each additional person occupying the same room.

- D. No basement space may be considered habitable unless it meets the requirements for secondary means of egress/escape as defined by the applicable Township Building or Property Maintenance Code.
3. The Township Department or division responsible for issuing licenses and permits shall schedule inspections of rental properties under this Part with a minimum of 10 days' advance notice. Nothing in this Part shall be deemed to limit or restrict the ability of the Township to conduct inspections of any residential rental property as deemed necessary to enforce any portion or part of the Code of the Township of Abington or the laws of the Commonwealth. The applicant is responsible for the payment of any and all costs of the inspection, as fixed from time to time by resolution of the Board of Commissioners.
 4. To the greatest extent practical, the Township Department or division responsible for issuing licenses and permits shall, with the approval of the Township Manager, stagger the term of the residential rental license permits under this Part, in order to permit the inspection of rental properties throughout the calendar year.
 5. Upon successful completion of all requirements of this Part, the Township Department or division responsible for issuing licenses and permits may issue an appropriate residential rental license permit. Rental properties which fail to meet the requirements of this Part shall not qualify for issuance of a rental license permit, unless the rental property is brought into compliance with this Part. A reinspection fee shall be paid by any owner seeking a second or subsequent inspection under an application for an annual residential rental license permit prior to the Township Department or division responsible for issuing licenses and permits conducting such inspection. Reinspection fees shall be as fixed from time to time by resolution of the Board of Commissioners.
 6. Residential rental license permits issued under this Part shall be valid for a period of one year and may be renewed upon application. All properties seeking renewal of a residential rental license permit must comply with all terms and conditions of this Part.
 7. Beginning in 2021, and continuing thereafter, Class 1, 2 and 3 properties, as defined herein, subject to a residential rental license permit under this Part shall be inspected as provided herein every four (4) years. Beginning in 2021, and continuing thereafter, Class 4 and 5 properties, as defined herein, subject to a residential rental license permit under this Part shall be inspected as provided herein every two (2) years. Notwithstanding the foregoing, any rental property that is in existence as of the effective date of this Chapter shall be inspected at the next tenant turnover following the effective date of this Chapter, or two (2) years following the effective date of this Chapter, whichever comes first. Thereafter, the above referenced regular inspection schedule shall be followed. The Township Department or division responsible for issuing licenses and permits shall have discretion to schedule inspections of licensed properties consistent with this Part. Failure to comply with a notice

from the Township Department or division responsible for issuing licenses and permits regarding the scheduling or conduct of a mandatory biannual inspection under this Part may result in suspension and/or revocation of any residential rental license permit under this Part. Inspections under this subsection shall be subject to such fees and charges as set by the Township for inspection and/or reinspection, as applicable.

8. Residential rental license permits under this Part shall not be subject to transfer or assignment.

§130-5. Classification of residential rental license permits.

1. Residential rental license permits shall be issued in accordance with the following classification of permits:

- Class 1 - Single-family dwellings occupied by a single family
- Class 2 - Single-family dwellings occupied by other than a single family (less than 1,000 square feet of habitable space)
- Class 3 - Single-family dwellings occupied by other than a single family (greater than 1,000 square feet of habitable space)
- Class 4 - Multiunit rental properties containing four or fewer dwelling units
- Class 5 - Multiunit rental properties containing five or more dwelling units
- Class 6 - Rooming houses

2. The Township Department or division responsible for issuing licenses and permits shall determine the habitable space attributable to any residential rental property under this Part. The determination of the Code Enforcement Department shall be final and binding.

§130-6 . Resident Agent.

Any landlord who is an individual and does not reside within the Commonwealth or within a twelve-mile radius of the Township, and any landlord which is other than an individual and has no office within the Commonwealth or within a twelve-mile radius of the Township, shall appoint a resident agent to act as a representative of the landlord for purposes of compliance with the requirements of this Part. Any person designated as a resident agent must maintain a residence or office within a twelve-mile radius of the Township. A resident agent may also be a tenant. Resident agents shall be responsible to ensure that a landlord's property meets all requirements of this Part, the Code of the Township of Abington, including the property maintenance, grass, garbage collection, recycling, snow and ice and other provisions, and shall, in addition to the landlord, be subject to any and all relevant enforcement and penalty provisions associated therewith.

§130.7. Landlord Responsibilities.

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As a condition of any residential rental license permit issued pursuant to this Part, each landlord shall be responsible to ensure that a property which is subject to a residential rental license permit meets all requirements of this Part, the Code of the Township of Abington, including the property maintenance, grass, garbage collection, recycling, snow and ice and other provisions, and shall be subject to any and all relevant enforcement and penalty provisions associated therewith.

§130-8. Revocation of Residential Rental License Permits.

1. Any landlord who violates any term, condition or provision of this Part, in addition to the penalties set forth hereunder, shall be subject to revocation of any residential rental license permit issued under this Part.
2. Any rental property licensed under this Part that is determined to be a nuisance shall be subject to revocation. A nuisance property shall be any property which is in violation of the Township property maintenance requirements by being in a substantial state of uncleanness, disorder or disrepair; any property substantially damaged by fire, flood or other natural disaster; any property determined to be uninhabitable by the **Code Enforcement Officer**; or any property which is occupied by any tenant who has engaged in any or all of the following conduct:
 - A. Drug possession, sale, or use.
 - B. Underage consumption and/or possession of alcohol.
 - C. Illegal possession or discharge of firearms.
 - D. Possession or use of fireworks or other incendiary or noisemaking devices.
 - E. Possession of noxious chemicals or materials
 - F. Untimely or excessive noise or disruptive conduct, including but not limited to noise or disturbance caused by voices, radios, stereos, televisions, tools, machinery, equipment, motorized vehicles or animals.
3. The determination to revoke a residential rental license permit under this Part shall be made by the Township Manager. Written notice of revocation of a permit issued under this Part shall be given to the permit holder or resident agent not less than 15 days prior to the proposed effective date of the revocation. A permit holder may request a hearing before a hearing officer prior to revocation; provided, however, that such hearing request must be made not less than five days prior to the effective date of the revocation. Thereafter, the hearing officer shall schedule a hearing at a date and time convenient to the permit holder and the Township, but not later than 30 days from the date the request for a hearing is received. All proceedings before the hearing officer shall be in accordance with the Local Agency Law, including those provisions pertaining to appeals to the Court of Common Pleas.
4. Any property which has been subject to revocation of a residential rental license permit under this Part shall not be eligible for a new or renewal residential rental license permit for a period not less than three years. Further, any landlord who has been subject to revocation of a

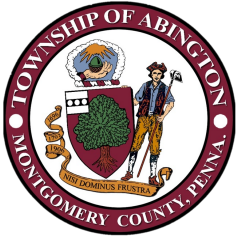
residential rental license permit under this Part shall be deemed ineligible to hold (individually or as a member, shareholder, officer, director or partner in any limited liability company, corporation, partnership, limited partnership, limited liability partnership or any other entity) a residential rental license permit for any new or additional rental property for a period not less than three years. Any entity, as herein described, which is associated in any manner with a landlord who has been subject to a revocation under this Part shall be deemed ineligible during any such period of association.

§130-9. Violations and Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$300 nor more than \$1,000, plus costs, and in default of payment thereof, to be subject to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense under this Part.

§130-10. Repealer.

Any and all other ordinances or parts of ordinances in conflict with the terms, conditions and provisions of this Part are hereby repealed, to the extent of such conflict.



LAND USE COMMITTEE MEETING

AGENDA ITEM

December 2, 2020

LU-02-121020

DATE

AGENDA ITEM NUMBER

Administration

DEPARTMENT

FISCAL IMPACT

Cost > \$10,000

Yes No

PUBLIC BID REQUIRED

Cost > \$20,100

Yes No

AGENDA ITEM:

Encroachment Agreement

EXECUTIVE SUMMARY:

n/a

PREVIOUS BOARD ACTIONS:

n/a

RECOMMENDED BOARD ACTIONS:

Discuss and consider a resolution authorizing the Township Manager to enter into Encroachment agreements.

**ABINGTON TOWNSHIP
RESOLUTION NO. 20-052**

**A RESOLUTION OF ABINGTON TOWNSHIP,
COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA,
AUTHORIZING THE TOWNSHIP MANAGER TO ENTER INTO ENCROACHMENT
AGREEMENTS**

WHEREAS, the Township of Abington is the owner of various properties throughout Abington Township; and

WHEREAS, some of these Township-owned properties abut properties owned by Township residents; and

WHEREAS, in certain circumstances, the Board of Commissioners is agreeable to allowing certain minor encroachments onto some of its properties; and

WHEREAS, the Board of Commissioners desires to authorize the Township Manager to exercise his discretion to enter into encroachment agreements when, in the opinion of the Township Manager:

1. The encroachment is minor and is the least amount of encroachment necessary;
2. The encroachment will not interfere with the Township's ability to access or utilize the Township-owned property;
3. There are no permanent structures placed on the Township-owned property that is the subject of the Encroachment Agreement;
4. The property owner requesting the permission to encroach onto the Township-owned property enters into a recorded Encroachment Agreement with the Township in a form acceptable to the Township Solicitor; and
5. The encroachment is will not negatively impact the health, safety and welfare of any other property, property owner or resident; and

WHEREAS, the Township maintains sole discretion regarding whether or not an encroachment will be approved based on the circumstances of each request.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Abington, Montgomery County does hereby authorize the Township Manager to enter into Encroachment Agreements where appropriate and as outlined herein.

BE IT FURTHER RESOLVED, that the Township Manager, in his discretion, may bring the Encroachment Agreement to the Board of Commissioners for consideration. Nothing herein shall be taken as consent of the Township or the Board of Commissioners to permit any encroachment onto Township owned property, unless approved in the Township's sole discretion consistent with the provisions set forth herein.

RESOLVED and **ADOPTED** this _____ day of _____, 2020.

ABINGTON TOWNSHIP

John L. Spiegelman, President
Board of Commissioners

I, Michael LeFevre, duly qualified Secretary of the Township of Abington, Montgomery County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Board of Commissioners at a regular meeting held on November 12, 2015 and said Resolution has been recorded in the minutes of the Township of Abington and remains in effect as of this date.

IN WITNESS WHEREOF, I affix my hand and attach the seal of the Township of Abington this 12th day of November, 2015.

Michael LeFevre, Secretary

Name of Applicant: Township of Abington

County: Montgomery